

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

NEBRASKA DEPARTMENT  
OF INSURANCE

FEB 5 2001

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

JOHN WITTWER AND GREAT WAY-  
LEAVITT INSURANCE AGENCY, INC.,

RESPONDENT.

CONSENT ORDER

CAUSE NO. A-1419

FILED

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Manuel Montelongo, and John Wittwer, a licensed nonresident insurance agent and Great Way-Leavitt Insurance Agency, Inc. a licensed insurance agency ("Respondents"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001, et seq.
2. Respondent John Wittwer was licensed as an insurance agent and Great Way-Leavitt Insurance Agency, Inc. was a insurance agency under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. John Wittwer and Great Way-Leavitt Insurance Agency, Inc. on January 7, 2001. A copy of the petition was served upon the Respondents at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. The petition alleges that Respondent violated §44-4028 (11) as a result of the following conduct:

- a. On or about October 15, 1998, in Omaha, Nebraska, Respondents solicited and received an application for an American Underwriters Life Insurance Company ("AUL") disability insurance policy from John Watson. The Respondents failed to submit the application to AUL until December 31, 1999. AUL required that the application be submitted immediately to AUL after completion.

3. The Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above.

#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. §44-4028 (11).

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondents, John Wittwer and Great Way-Leavitt Insurance Agency, Inc., that Respondents shall pay an administrative fine of \$500. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondents or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Manuel Montelongo

Manuel Montelongo  
Attorney for Nebraska  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, Nebraska 68508  
(402) 471-2201

February 1, 2001  
Date

John Wittwer

John Wittwer and  
Great Way-Leavitt Insurance Agency,  
Respondents

1/30/01  
Date

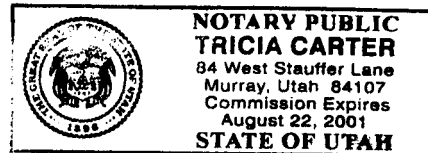
\_\_\_\_\_  
Attorney for Respondent

\_\_\_\_\_  
Date

State of Utah )

County of SL )

) ss.  
)




On this 30 day of January, 2001, John Wittwer personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Tricia Carter  
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. John Wittwer and Great Way-Leavitt Insurance Agency, Inc.

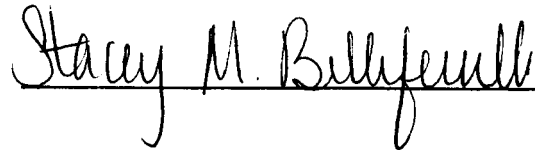
STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
\_\_\_\_\_  
L. TIM WAGNER  
Director of Insurance

2/5/01  
\_\_\_\_\_  
Date

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at Respondent's registered address of 2505 South State Street, Box 65602, Salt Lake City, UT 84115 by certified mail, return receipt requested on this 5<sup>th</sup> day of <sup>February</sup>~~January~~, 2001.

  
\_\_\_\_\_  
Stacy M. Bullock